

CHAPTER 1226
Agricultural and Forestal Districts

EDITOR'S NOTE: Agricultural and Forestal Districts are districts which comprise adjoining parcels whose owners volunteer to have their land included in such districts in order to preserve agriculture and to deter subdivision development. The names of the landowners, the parcel numbers and the acreage of the various Districts may be found in the minutes of the Board of Supervisors as well as in the Department of Planning and Zoning in the County Administration Building in Leesburg. At the time of the codification of this chapter, the following Districts had been established by the following ordinances:

<u>Ord. No.</u>	<u>Agricultural and Forestal District</u>
79-04	Mount Gilead
75-05	Upperville
80-03	Trickle Creek
80-04	Hillsboro
80-07	Catoctin
80-08	Beaverdam
80-09	Airmont
80-10	Bluemont
80-11	Ebenezer
81-01	Aldie
81-02	Lovettsville
81-12	Mountville
82-24	Oak Hill
87-12	Rockland
87-16	Hughesville
88-15	Pretty Chicks Welcome
88-17	Hillbrook
89-08	Middleburg East, Middleberg West, Supercali-fragilisticxpiatidiously Beautiful; and proposed additions to Mountville

In addition, the following Districts had been renewed by the following ordinances:

88-07	Hillsboro
88-09	Airmont, Beaverdam, Bluemont, Catoctin, Ebenezer, Trickle Creek
89-01	Aldie, Mountville, Lovettsville
89-04	Lucketts
90-01	Oak Hill
91-29	Mt. Gilead
92-02	Hillsboro
92-04	Airmont, Bluemont, Catoctin, Ebenezer, Trickle Creek

<u>Ord. No.</u>	<u>Agricultural and Forestal District</u>
92-10	Featherbed
92-12	Lovettsville, Mountville
92-13	Lovettsville, Mountville
93-04	Lucketts
93-17	Aldie
94-06	Oak Hill
95-07	Leesburg
95-10	Mt. Gilead
95-11	Hughesville
96-02	Hillsboro
96-03	Airmont, Bluemont, Catoctin, Ebenezer, Trickle Creek
96-09	Lovettsville, Mountville
97-02	Lucketts
97-10	Rockland
97-15	Upperville
98-03	Oak Hill
98-07	Beaverdam
98-15	Aldie
98-16	Hillbrook
98-17	Pretty Chicks Welcome
99-08	Supercal
99-09	Middleburg West
99-10	Middleburg East
99-11	Leesburg
99-14	Mt. Gilead
00-03	Hillboro
00-05	Airmont, Bluemont
	Catoctin, Ebenezer
00-15	Lovettsville, Mountville
01-01	Lucketts
02-05	Oak Hill
02-15	Featherbed
02-17	Simpson
02-18	Pretty Chicks Welcome
03-04	Leesburg
03-16	Mount Gilead
03-17	Hughesville
03-18	Aldie

The following Districts have been created by the following ordinances:

02-03	Morven Park
04-01	New Airmont
04-02	New Bluemont
04-03	New Catoctin North, New Catoctin South
04-04	New Ebenezer
04-05	New Hillsboro
04-06	New Ebenezer
05-03	Oatlands

The following Districts have been terminated by the following ordinances:

00-05	Trickle Creek
04-01	Airmont
04-02	Bluemont
04-03	Catoctin
04-04	Ebenezer
04-05	Hillsboro
04-06	Ebenezer

Copies of such ordinances may be obtained, at cost, from the County Administrator.

1226.01 Purpose.

1226.03 Review of Districts.

1226.02 Effect of districting.

1226.04 Discontinuance of association in District.

CROSS REFERENCES

Agricultural and Forestal Districts Act - see Code of Va. §§ 15.2-4300 to 15.2-4314

Agricultural and Forestal District Advisory Committee - see ADM. Ch. 274

Agricultural, Horticultural, Forest or Newly Annexed Real Estate Tax - see B. R. & T. Ch. 848

Tax exemption for farm animals, certain grains, agricultural products, etc. - see B.R. & T. 860.06

1226.01 PURPOSE.

It is hereby declared to be the policy of the County to conserve, protect and encourage the development and improvement of its agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also the policy of the County to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, as well as for aesthetic purposes. It is the purpose of this chapter and the ordinances that are adopted pursuant to this chapter to provide a means by which agricultural and

forestal land may be protected and enhanced as a viable segment of the County's economy and as an economic and environmental resource of major importance, pursuant to Title 15.2, Chapter 43, of the Code of Virginia of 1950, as amended.
(Ord. 98-01. Passed 3-18-98.)

1226.02 EFFECT OF DISTRICTING.

(a) All provisions of the County Zoning Code and Subdivision Regulations shall be applicable within all Agricultural and Forestal Districts, but only to the extent that such Code and Regulations are not in conflict with the purposes of Title 15.2, Chapter 43, of the Code of Virginia of 1950, as amended. All land use planning decisions, special exceptions, special use permits and variances affecting any parcel of land within or adjacent to a District shall take into account the existence of the District and the purposes and policies of this chapter and the ordinances that are adopted pursuant to this chapter. All subdivision of land within a District at a density greater than ten acres is hereby deemed to be in conflict with the purposes and policies established by this chapter and the ordinances that are adopted pursuant to this chapter, except that clustered development at three-acre density leaving eighty percent of the land in open space shall be permitted.

(b) Land used in agricultural and forestal production within a District shall automatically qualify for an agricultural or forestal value assessment on such land pursuant to Sections 58.1-3229 et seq. of the Code of Virginia of 1950, as amended, if the requirements for such assessment contained therein are satisfied, whether or not the County Land Use Assessment Ordinance is in effect.

(c) All other applicable provisions of Title 15.2, Chapter 43, of the Code of Virginia of 1950, as amended, are and shall be incorporated in this chapter and the ordinances that are adopted pursuant to this chapter and made a part of the same.
(Ord. 98-01. Passed 3-18-98.)

1226.03 REVIEW OF DISTRICTS.

The Board of Supervisors shall review a District within stipulated periods, as set forth in the ordinances adopted pursuant to this chapter, in order to determine whether to terminate, modify or continue the District. The Board shall request the recommendations of the Planning Commission and the Agricultural and Forestal District Advisory Committee in conducting such review.

1226.04 DISCONTINUANCE OF ASSOCIATION IN DISTRICT.

(a) Any owner of land lying in a District may request, in writing, termination and withdrawal of his or her property in accordance with Section 15.2-4314 of the Code of Virginia of 1950, as amended. If denied favorable action by the Board of Supervisors, the landowner shall have an immediate right of appeal de novo to the Circuit Court. The termination of any owner's association in a District for any reason shall not in itself serve to terminate the existence of the District.

(b) Any heir at law or devisee of any owner of land lying within a District shall, as a matter of right, be entitled to withdraw from the District within two years of the death of the owner and upon written notice of withdrawal to the Board of Supervisors and the Commissioner of the Revenue.

When a District is reviewed by the Board of Supervisors pursuant to Section 1226.03, land within the District may be withdrawn by the filing of a written notice before the Board of Supervisors acts to continue, modify or terminate the District.

(Adopting Ordinance; Ord. 98-01. Passed 3-18-98.)